

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
February 22, 2017

The Highland Board of Zoning Appeals met on February 22, 2017 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Mileusnich.

ROLL CALL: Present Mr. Mileusnich, Mr. Grzynski, Mrs. Murovic, Mr. Helms and Mr. Martini. Also present Attorney Jared Tauber and Building Commissioner Mr. Ken Mika.

MINUTES: The minutes of the January 25, 2017 were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be March 22, 2017

COMMUNICATION: (1) Continued Public Hearing request from Cosme & Jacqueline Herrera. They are still in the process of getting a plat of survey for their property. Communication via email on February 15th.

(2) Request from Glenn Patterson to continue Preliminary Hearing for F&G Investments to March 22 BZA meeting due to illness.

Old Business: Approval of Findings for Shawn Anderson, 9440 Hook St., Highland, IN requesting a variance to exceed accessory structure allowance for the address of 3727 38th St. {HMC 18.05.060 (F) (5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less. Mr. Helms motioned to approve the Findings of Fact. Mr. Martini seconded and unanimously passed with a roll call vote of 5-0.

Public Hearing for Joe & Sheila Windsor, 9009 Arbor Hill Dr., Highland, In., represented by Gary Torrenga of Torrenga Engineering, 907 Ridge Rd., Munster, IN requesting a variance to exceed accessory structure allowance at the location of 3722 38th St. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Torrenga distributed plats of the Windsor's property. Mr. Torrenga introduced himself and the Windsor's.

Mr. Torrenga states the Windsor's are seeking permission to build an 1155 sq. ft. garage in addition to the 720-sq. ft. garage which will be attached to their house. The Windsor's would like to build the house and the garage that is shown on the plan.

Mr. Torrenga says Mr. Windsor makes a living out of his truck. Mr. Windsor delivers electrical parts to electrical contractors that he is on the road all day and sometimes has to store parts in his garage.

Mr. Torrenga states the Windsor would like to build the house of their dreams. Mr. Torrenga states the requested garage is 1155 sq. ft. which is a little oversized, but that the Windsor's lot is a total of 22,000 square feet.

Mrs. Murovic opened the public hearing. Hearing no remonstrances she closed the public hearing.

Mr. Helms referenced the plat and an existing residence that was close by and asked if they had any input to the garage. Mr. Torrenga responded they were notified of the public hearing but weren't at the meeting to comment. Mr. Windsor said he had spoken to the neighbors in the past regarding their plans but had not gone into this much detail.

Mr. Mileusnich asked what the size of the attached garage will be and Mr. Windsor responded right at 720 sq. ft. that would be for the Windsor's privately owned vehicles.

Mr. Torrenga states that besides housing electrical parts, the 1155 sq. ft. garage would also house Mr. Windsor's work vehicle.

Mr. Helms asked if the variance approval were given, would it be contingent on the easement being vacated. Mr. Tauber states that is a Plan Commission issue and asked Mr. Torrenga if that was all taken care of. Mr. Torrenga replied the Plan Commission has given primary approval to the sub division, the Town Council will have to vacate the easement. Mr. Torrenga said that as of right now, they have permission to vacate the easement from the Town, Nipsco, the telephone company and the cable company and that this all happened within the last twenty-four hours. Mr. Tauber said the easement was a separate issue and something not really before the BZA members. Mr. Torrenga states they will be taking a Plat of Vacation of the easement in front of the Town Council.

Mr. Tauber clarified this is a developmental variance so there will be no recommendations, this will be the final vote.

Mrs. Murovic asked for clarification from Mr. Torrenga the total sq. ft. for both accessory structures were to be 1155 sq. ft. for one structure and 720 sq. ft. for the second structure for a total accessory structures sq. ft. to be over 1900 sq. ft. Mr. Torrenga confirmed Mrs. Murovic's calculations.

Mr. Torrenga reiterated the size of the lot being three times larger than normal.

Mrs. Murovic confirmed Mr. Windsor would be keeping his commercial work vehicle in the 1155 sq. ft. garage. Mr. Windsor replied yes. Mrs. Windsor added there would be no deliveries involved.

Mrs. Murovic asked where Mr. Windsor's truck is stored now. He replied he leases a covered storage space.

Mr. Helms motioned to approve the variance. Mrs. Murovic asked for a second to Mr. Helms motion. No member made a second motion so the motion died.

Mr. Martini motioned to deny the variance. Mr. Gryzmski seconded and the motion passed with a roll call vote of 4 – 1. Mr. Helms voted to approve the variance request.

Public Hearing for 2nd & Charles, 10239 Indianapolis Blvd., represented by All Right Sign, 3628 Union Ave, Steger, IL 60475 and Ms. Melanie Smith of 2nd & Charles, 402 Industrial Lane, Birmingham, AL., requesting a variance to exceed sign allowance and sign square footage at the location of 10239 Indianapolis Blvd. {HMC 18.85.080 (G)(2)(a)} Each occupancy shall be permitted a maximum of one sign. Per blanket variance granted in May of 1993 to the shopping center (Highland Grove): For any use having a structure frontage of less than 300 linear feet, two (2) square feet of sign area for each front foot or portion thereof of structure frontage. Sign sq. ft. allowed would be 180 sq. ft. per original variance, asking for total of 271 sq. ft. for the (3) signs proposed.

Ms. Tabitha Bowen of All Right Sign and Melanie Smith of 2nd & Charles introduced themselves and distributed diagrams of the sign they are requesting for the variance and an outline booklet of their presentation.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Ms. Smith states that 2nd & Charles is a 32-store chain and is a subsidiary of Books A Million. 2nd & Charles specializes in used books, games, movies and music.

Mrs. Smith states she feels the 2nd & Charles 121 sq. ft. sign which is currently mounted on the store does not indicate what a 2nd & Charles store is. Her variance request is to have in addition to the 2nd & Charles sign on the building, to add (2) 5' x 15' – 75 sq. ft. signs on either side of the current sign on the store front. On one side the signs would read books/games and on the other side the signs would read movies /music. She feels the sign set up being requested balances the store front better and gives better visibility from Indianapolis Blvd. Ms. Smith also referenced other stores that are in close proximity to 2nd & Charles and the amount of and size of signs the other business have.

Mrs. Murovic opened up the public hearing. Hearing no remonstrances she closed the public hearing.

Mr. Mileusnich referenced Option 1 that was presented to the Board and asked Ms. Smith if she had any other options to offer,

Ms. Bowen replied they wanted to present Option 1 first and Ms. Smith said this Option 1 is the one that really supports their brand.

Mr. Helms referred to Ms. Smith's comments about other businesses signs and clarified that a lot of the other stores signs were probably legal non-conforming.

Mr. Mileusnich said he wanted to hear some other options besides the first one being asked for.

Mr. Martini asked Ms. Smith if the variance was denied what would be another option.

Other options were discussed and a decision was made that the total sq. ft. of the three signs, including the 121-sq. ft. sign that is already mounted on the building would not exceed 180 sq. ft.

Mr. Martini motioned to approve Option 3, that being the three building mounted signs not exceed 180 sq. ft., with one sign to read Book and Games to be split in half on one side and the other sign Movies and Music on the other side as depicted in Option 1. The three signs referenced

includes the 121 sq. ft. sign that is already mounted on the building. Mr. Helms seconded and it passed with a roll call vote of 4-1. Mrs. Murovic voted to deny the variance request.

Continued Public Hearing request for Jacqueline & Cosme Herrera, 8112 Wicker Park Dr., requesting a variance to exceed accessory structure allowance and location of shed on side yard property line. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less. Mr. Grzymiski motioned to continue the Public Hearing request to the March 22, 2017 BZA meeting. Mr. Helms seconded and it unanimously passed with a roll call vote of 5-0.

Preliminary Hearing for Latoya & Joseph McDaniel, 7538 Woodlawn Ave., Hammond, IN requesting a Use Variance for a Day Care/Educational Facility at the location of 9219 Indianapolis Blvd., Suite A. {HMC 18.45.030} The following listed uses and no others are permitted uses in a B-3 district: Permitted uses do not include day care

Mr. & Mrs. McDaniel introduced themselves. The McDaniel's are requesting a use variance for a day care center at the location of 9219 Indianapolis Blvd.

Mrs. Murovic asked if Mrs. McDaniel if they had a day care center already and Mrs. McDaniel replied yes it is a home based day care. She described the day care center location they are seeking the use variance for as a home also but it is on a commercial lot. Mrs. Murovic commented that the McDaniel's are looking to expand and Mrs. McDaniel said that was correct.

Mr. Mileusnich asked if the day care would be a weekend or weekday business and Mrs. McDaniel replied weekday.

Mrs. Murovic asked how long the McDaniel's have had their current day care and they replied (4) years. Mr. Martini asked how many children attend the day care and Mrs. McDaniel replied they are licensed at a capacity of 15, with that being 12 children during the day and three after school children.

Mr. Martini inquired that their current day care state license would apply to the Highland location and the McDaniel's replied yes. Mr. McDaniel said that in fact the State has been out to the new facility and the State approved it.

Mr. Tauber informed the McDaniel's that the Public Hearing would be for a recommendation only from the BZA members and the Use Variance request would then go on to the Town Council for final approval. Mr. Tauber further states that process could take a total of 60 days.

Mr. Helms motioned to approve the Public Hearing request. Mr. Martini seconded and it unanimously passed with a roll call of 5-0.

Continued Preliminary Hearing request for F&G Investments, L.P., 2635 169th St., Hammond, IN, represented by Glenn Patterson, 300 E. 90th Dr., Merrillville, IN requesting a Use Variance for a cemetery at the address of 8939 Kleinman Rd. {HMC.18.35.040}The following listed uses and no others are permitted uses in a B-1 district: Permitted uses do not include a cemetery. Mr. Helms motioned to continue the Preliminary Hearing to the March 22, 2017 BZA meeting. Mr. Martini seconded and it unanimously passed with a roll call vote of 5-0.

Preliminary Hearing for Ron & Jan Van Kampen, 7425 Falling Leaf Circle, Schererville, IN, requesting a variance for minimum lot size requirement for overall lot size, width and side yard setback from 7.5' to 5', including 5' drainage easement on west side of property, for potential residential property to be built on vacant lot for the location of 3425 Laverne Dr. {HMC 18.15.060 (C)1(a)} Every one-family detached dwelling hereafter erected and every transitional use permitted in this zoning district hereafter established shall be on a zoning lot having a minimum area of 8,400 square feet and a minimum width of 70 feet at the building line, and a minimum lot depth of 120 feet. A lot of record existing on the effective date of the ordinance codified in this title which is less than 8,400 square feet in area or less than 70 feet in width, or 120 feet in depth, may only be improved by a variance from the board of zoning appeals. {HMC 18.15.060 (H)1} For One-Family Detached Dwellings. On a lot improved with a one-family detached dwelling, a side yard shall be provided along each side lot line. No side yard shall be less than eight feet in width in an R-1A district, and seven and one-half feet in width in an R-1 district.

Mr. & Mrs. Van Kampen introduced themselves. They are requesting a variance to build a single family residence on the lot located at 3425 Laverne Dr. which is 60' wide x 120' in length and does not meet the current lot requirements for overall lot size, width and side yard setbacks. They are requesting a 5' side yard setback. They have plans to build a 1500 sq. ft. ranch with an attached garage and a basement.

Mr. Martini asked if the Van Kampen's would have a plat when they come for the Public Hearing and they replied yes.

Mrs. Van Kampen states the Town of Highland currently owns the property.

Mr. Helms motioned to approve the Public Hearing request. Mr. Martini seconded and it unanimously passed with a roll call vote of 5-0.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Martini Second: Mr. Helms Time: 7:20 p.m.

